

Senate Bill No. 186

Passed the Senate July 12, 1999

Secretary of the Senate

Passed the Assembly June 28, 1999

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 1999, at _____ o'clock ____M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Sections 21115, 21115.1, and 24607 of, to add Sections 385.5, 4023, and 11713.10 to, and to add Article 5 (commencing with Section 21250) to Chapter 1 of Division 11 of, the Vehicle Code, relating to low-speed vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 186, Costa. Low-speed vehicles.

(1) Under existing law, no person may drive, move, or leave standing upon a highway, or in an offstreet public parking facility any motor vehicle unless it is registered and the appropriate fees have been paid under the Vehicle Code, except as specified.

This bill would add to those exceptions a low-speed vehicle, as defined.

(2) Under existing law, the Vehicle Code sets forth provisions governing manufacturers, transporters, dealers, and salespersons of vehicles.

This bill would revise these provisions to make it unlawful and a violation of the Vehicle Code for these persons to sell a low-speed vehicle without disclosing to the buyer the vehicle's maximum speed and the potential risks of driving a low-speed vehicle. Thus, the bill would create a new crime, thereby imposing a state-mandated local program.

(3) Existing law authorizes local authorities to permit golf carts to be used on highways adjacent to a golf course and in real estate developments, as specified.

This bill, for these purposes, would specify that a "golf cart" includes a low-speed vehicle.

(4) Existing law governs the operation of motor vehicles, but does not include provisions specifically governing the operation of low-speed vehicles.

This bill would specify that a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and that the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle



or other vehicle, when applicable, by the Vehicle Code or any other code, with the exception of those provisions which, by their very nature, can have no application. The bill would make other related changes. In addition, the bill would prohibit the operator of a low-speed vehicle from operating the vehicle on any roadway with a speed limit in excess of 35 miles per hour, except as provided. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

(5) Existing law requires (a) every vehicle that is subject to registration under the Vehicle Code to be equipped at all times with at least one reflector so maintained as to be plainly visible at night from all distances within 350 feet to 100 feet from the vehicle when directly in front of the lawful upper headlamp beams, and (b) every vehicle, other than a motorcycle, that is manufactured and first registered on or after January 1, 1965, under the Vehicle Code, to be equipped at all times, with at least 2 reflectors that are plainly visible at night from all distances specified in (a).

This bill would exempt low-speed vehicles from the provisions specified in (b) above.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 385.5 is added to the Vehicle Code, to read:

385.5. A “low-speed vehicle” is a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. For the purposes of this section, a



“low-speed vehicle” is not a golf cart, except when operated pursuant to Section 21115 or 21115.1.

SEC. 2. Section 4023 is added to the Vehicle Code, to read:

4023. A low-speed vehicle operated pursuant to Section 21115 or 21115.1 is exempt from registration.

SEC. 3. Section 11713.10 is added to the Vehicle Code, to read:

11713.10. It is unlawful and a violation of this code to sell a low-speed vehicle, as defined in Section 385.5, without disclosing to the buyer the vehicle’s maximum speed and the potential risks of driving a low-speed vehicle.

SEC. 4. Section 21115 of the Vehicle Code is amended to read:

21115. (a) If a local authority finds that a highway under its jurisdiction is located adjacent to, or provides access to, a golf course and between the golf course and the place where golf carts are parked or stored or is within or bounded by a real estate development offering golf facilities and is designed and constructed, so as to safely permit the use of regular vehicular traffic and also the driving of golf carts on the highway, the local authority may, by resolution or ordinance, designate the highway or portion of the highway for combined use and prescribe rules and regulations that shall have the force of law. No highway shall be so designated for a distance of more than one mile from the golf course if the highway is not located within a development or beyond the area of a development, provided, the finding of the local authority in this respect shall be conclusive. Upon the designation becoming effective it shall be lawful to drive golf carts upon the highway in accordance with the prescribed rules and regulations. The rules and regulations may establish crossing zones and speed limits and other operating standards but shall not require that the golf carts conform to any requirements of this code with respect to registration, licensing, or equipment, except that if operated during darkness the golf cart shall be



subject to the provisions of Section 24001.5 regarding equipment.

The rules and regulations shall not be effective until appropriate signs giving notice thereof are posted along the highway affected.

A “real estate development offering golf facilities,” for purposes of this section, means an area of single-family or multiple-family residences, the owners or occupants of which are eligible for membership in, or the use of, one or more golf courses within the development by virtue of their ownership or occupancy of a residential dwelling unit in the development.

(b) For purposes of this section, a “golf cart” includes a low-speed vehicle.

SEC. 5. Section 21115.1 of the Vehicle Code is amended to read:

21115.1. (a) Notwithstanding Section 21115, a local authority may, by ordinance or resolution, establish crossing zones, for use by golf carts at any time other than during darkness, on any street, other than a state highway, that has a posted speed limit of 45 miles per hour or less and that is immediately adjacent to a golf course. The crossing zones shall be at an angle of approximately 90 degrees to the direction of the roadway. The ordinance or resolution shall not become effective until submitted to the law enforcement agency having primary jurisdiction over the street, the law enforcement agency finds and determines that the conditions pertaining to that street, with the addition of proper signs, markers, or lighting, or any combination of those, will permit the establishment of a golf cart crossing with reasonable safety, and the signs, markers, or lighting specified by the law enforcement agency are in place.

(b) Subdivision (a) does not constitute precedent for the operation of golf carts on any street or highway other than in a crossing zone established pursuant to subdivision (a).

(c) For purposes of this section, a “golf cart” includes a low-speed vehicle.



SEC. 6. Article 5 (commencing with Section 21250) is added to Chapter 1 of Division 11 of the Vehicle Code, to read:

Article 5. Operation of Low-Speed Vehicles

21250. For the purposes of this article, a low-speed vehicle means a vehicle as defined in Section 385.5.

21251. Except as provided in Sections 4023, 21115, and 21115.1, a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or any other code, with the exception of those provisions which, by their very nature, can have no application.

21252. A vehicle dealer, selling a low-speed vehicle, shall provide to the buyer a disclosure statement regarding the operation of the vehicle that is in compliance with existing provisions of the California Code of Regulations.

21253. A low-speed vehicle operated or parked on the roadway shall at all times meet federal Motor Vehicle Safety Standards established for low-speed vehicles in Section 571.500 of Title 49 of the Code of Federal Regulations.

21254. A motor vehicle that was originally designated as a low-speed vehicle and that has been modified or altered to exceed 25 miles per hour shall not qualify for the relaxed federal Motor Vehicle Safety Standards established for low-speed vehicles and instead shall meet all federal Motor Vehicle Safety Standards for a passenger vehicle.

21260. (a) Except as provided in paragraph (1) of subdivision (b), the operator of a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 35 miles per hour.

(b) (1) The operator of a low-speed vehicle may cross a roadway with a speed limit in excess of 35 miles per hour if the crossing begins and ends on a roadway with a speed



limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees.

(2) Notwithstanding paragraph (1), the operator of a low-speed vehicle shall not traverse an uncontrolled intersection with any state highway unless that intersection has been approved and authorized by the agency having primary traffic enforcement responsibilities for that crossing by a low-speed vehicle.

21266. (a) Notwithstanding Section 21260, local authorities, by ordinance or resolution, may restrict or prohibit the use of low-speed vehicles.

(b) Notwithstanding Section 21260, a local law enforcement agency with primary traffic enforcement responsibilities or the Department of the California Highway Patrol may prohibit the operation of a low-speed vehicle on any roadway under that agency's or department's jurisdiction when the agency or the department deems the prohibition to be in the best interest of public safety. Any such prohibition shall become effective when appropriate signs giving notice thereof are erected upon the roadway.

SEC. 7. Section 24607 of the Vehicle Code is amended to read:

24607. Every vehicle subject to registration under this code shall at all times be equipped with red reflectors mounted on the rear as follows:

(a) Every vehicle shall be equipped with at least one reflector so maintained as to be plainly visible at night from all distances within 350 to 100 feet from the vehicle when directly in front of the lawful upper headlamp beams.

(b) Every vehicle, other than a motorcycle or a low-speed vehicle, manufactured and first registered on or after January 1, 1965, shall be equipped with at least two reflectors meeting the visibility requirements of subdivision (a), except that trailers and semitrailers manufactured after July 23, 1973, that are less than 30 inches wide, may be equipped with one reflector which shall be mounted at or near the vertical centerline of the



trailer. If the vehicle is equipped with two reflectors, they shall be mounted as specified in subdivision (d).

(c) Every motortruck having an unladen weight of more than 5,000 pounds, every trailer coach, every camp trailer, every vehicle, or vehicle at the end of a combination of vehicles, subject to subdivision (a) of Section 22406, and every vehicle 80 or more inches in width manufactured on or after January 1, 1969, shall be equipped with at least two reflectors maintained so as to be plainly visible at night from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful upper headlamp beams.

(d) When more than one reflector is required, at least one shall be mounted at the left side and one at the right side, respectively, at the same level. Required reflectors shall be mounted not lower than 15 inches nor higher than 60 inches, except that a tow truck, in addition to being equipped with the required reflectors, may also be equipped with two reflectors which may be mounted not lower than 15 inches nor higher than the maximum allowable vehicle height and as far forward as the rearmost portion of the driver's seat in the rearmost position. Additional reflectors of a type meeting requirements established by the department may be mounted at any height.

(e) Reflectors on truck tractors may be mounted on the rear of the cab. Any reflector installed on a vehicle as part of its original equipment prior to January 1, 1941, need not meet the requirements of the department provided it meets the visibility requirements of subdivision (a).

(f) Area reflectorizing material may be used in lieu of the reflectors required or permitted in subdivisions (a), (b), (c), (d), and (e), provided each installation is of sufficient size to meet the photometric requirement for those reflectors.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred

because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Approved _____, 1999

Governor

